

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Andre R. Levesque

v.

Civil No. 09-cv-437-JL

State of New Hampshire, et al.

O R D E R

Before the Court for consideration is a Motion for Protective Order (document no. 56) filed by defendants Merrimack County Department of Corrections, Paul Sylvester, the Secure Psychiatric Unit of the New Hampshire Department of Corrections, and Kevin Stevenson (collectively "the defendants"). The defendants seek to attach a fee to Levesque's filings, presumably to deter him from filing repetitive claims. The defendants also seek to enjoin Levesque from filing any more repetitive or frivolous pleadings in this matter, or further amending the complaint.

The defendants argue that Levesque has filed "profuse and repetitive pleadings" and motions in this case. The Court has previously warned Levesque that continuing to file in a manner that may be construed as abusive may result in an order limiting his filings in this Court to prevent the abuse of resources that occurs when the Court and defendants to this action are forced to

respond to and consider repeated frivolous filings. The defendants request that this Court require Levesque to file a ten dollar bond or fee before filing a pleading in this Court, other than a response to a motion or pleading filed by any defendant to this action. The proposed fee would be forfeited in the event the pleading is frivolous or repetitive and returned to Levesque if the pleading is determined to be nonfrivolous. The defendants further request that Levesque be enjoined from filing any additional amendments in this matter.

The Court recognizes that Levesque's pleading style and practices are burdensome and time-consuming for the defendants. Accordingly, the Court will not require any responsive pleading to be filed by any defendant in this matter unless and until this Court directs a response to a particular pleading filed, which should adequately address defendants' concerns without requiring that a fee accompany every pleading filed by Levesque.

The Motion for Protective Order (document no. 56) is GRANTED in part and DENIED in part. The Court directs Levesque not to file any further frivolous or repetitive pleadings. Further, in no instance will any defendant to this action be required to file any responsive pleading to any filing by Levesque unless specifically directed to do so by the Court. The defendants' request to enjoin Levesque from filing any further amendment to

his complaint is denied without prejudice to renewal of the motion if appropriate in the future.¹

SO ORDERED.



Joseph N. Laplante
United States District Judge

Date: September 8, 2010

cc: Andre R. Levesque, pro se
Nancy J. Smith, Esq.
Corey M. Belobrow, Esq.
Martin P. Honigberg, Esq.
Michael A. Pignatelli, Esq.
Rose Marie Joly, Esq.

¹By separate Order, issued this date, I have granted a motion to revoke Levesque's in forma pauperis status in this matter. If Levesque fails to pay his filing fee within thirty days, as directed in that Order, I will dismiss the case. If Levesque does pay his filing fee, the defendants may renew the motion to enjoin further amendments to this case at that time.